

HEALTH CARE FACILITIES
Subchapter 29
Restraints, Safety Devices, Assistive Devices,
and Postural Supports

**Definitions for Restraints, Safety Devices, Assistive Devices, and
Postural Supports**

37.106.2902 DEFINITIONS The following definitions, in addition to those contained in **50-5-1202, MCA**, apply to this chapter:

- (1) "**Assistive device**" means any device whose primary purpose is to maximize the independence and the maintenance of health of an individual who is limited by physical injury or illness, psychosocial dysfunction, mental illness, developmental or learning disability, the aging process, cognitive impairment or an adverse environmental condition. If the device is primarily used to restrict an individual's movement, it is considered a safety device or restraint rather than an assistive device.
- (2) "**Licensed health care professional**" means a physician, a physician assistant-certified, a nurse practitioner or a registered or practical nurse licensed in the state of Montana.
- (3) "**Medical symptom**", as defined in **50-5-1202, MCA**, means an indication of a physical or psychological condition or of a physical or psychological need expressed by the patient. For example, a concern for the resident's physical safety by any person listed in **50-5-1201(1), MCA**, or a resident's fear of falling may constitute a medical symptom.
- (4) "**Postural support**" means an appliance or device used to achieve proper body position and balance, to improve a resident's mobility and independent functioning, or to position rather than restrict movement, including, but not limited to, preventing a resident from falling out of a bed or chair. A postural support does not include tying a resident's hands or feet or otherwise depriving a resident of their use.
- (5) "**Restraint**" means any method (chemical or physical) of restricting a person's freedom of movement that prevents them from independent and purposeful functioning. This includes seclusion, controlling physical activity, or restricting normal access to the resident's body that is not a usual and customary part of a medical diagnostic or treatment procedure to which the resident or the authorized representative has consented.
- (6) "**Safety devices**", as defined in **50-5-1202, MCA**, means side rails, tray tables, seat belts and other similar devices. The department interprets that definition to mean that a safety device is used to maximize the independence and the maintenance of health and safety of an individual by reducing the risk of falls and injuries associated with the resident's medical symptom.

(History: Sec. 50-5-103, 50-5-226, 50-5-227 and 50-5-1205, MCA; IMP, Sec. 50-5-103, 50-5-226, 50-5-227, 50-5-1202 and 50-5-1203, MCA; NEW, 2002 MAR p. 3159, Eff. 11/15/02.)